

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JANE DOE,

Plaintiff,

Case No.: 2:21-cv-1232 (GRB) (ST)

STIPULATION

-against-

LONG ISLAND MOTORS, INC., and DAVID
DELVECCHIO,

Defendants.

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IT IS HEREBY STIPULATED AND AGREED, by and between the parties, by and through their respective undersigned counsel, that – pursuant to Rule 62(b) of the Federal Rules of Civil Procedure – that all restraining notices in this case are lifted on the following terms pending the traverse hearing set forth in the Hon. Gary R. Brown, U.S.D.J.’s Order dated November 27, 2023:

1. Defendants shall post a bond in the amount of \$337,169.11 representing the judgment amount of \$323,961.16 plus post judgement interest in the amount of \$13,207.95. Until said bond is posted, cleared, and filed on the docket all restraints shall remain in place;

2. Upon the posting, clearing and filing of the aforesaid bond, Defendant Long Island Motors, Inc. (the “Dealership”) shall be permitted to operate its business in the normal course by selling vehicles and paying all ordinary expenses only;

3. Defendants are prohibited from: (1) selling the business; (2) creating an alter ego company; (3) setting up a new corporation for Long Island Motors to do business with; (4) utilizing any corporation aside from Long Island Motors, Inc. to do business; (5) transferring bank accounts; and (6) making any transfer of assets outside the ordinary course of its normal business under pain of contempt and sanctions;

4. Defendant Delvecchio is prohibited from: 1) selling any business or property that

he has any ownership of whatsoever; and 2) transferring and funds in his bank accounts under pain of contempt or sanctions. Upon the posting, clearing and filing of the aforesaid bond Defendant Delvecchio's restrained accounts will be released.

5. The parties reserve all rights pending the Court's decision on Defendants' emergency Order to show cause to vacate the default judgment following the traverse hearing, including – without limitation – Plaintiff's calculation of post-judgment interest;

6. If following the traverse hearing, the judgment remains in place, all restraining notices in this case shall be immediately reinstituted, and Defendants shall turn over the full amount of the judgment, \$323,961.16, plus interest in the amount of \$13,207.95, within seven (7) days under pain of contempt and sanctions.

7. On January 2, 2024 the parties shall attend a private mediation with Dina Jansenson of JAMS once the bond is posted, cleared, and filed on the Docket in this matter 2:21-cv-1232 (GRB) (ST) before proceeding to a traverse hearing.

8. The Defendants will pay for the cost of private mediation with Dina Jansenson.

Dated: New York, New York
December 8, 2023

PHILIPS & ASSOCIATES

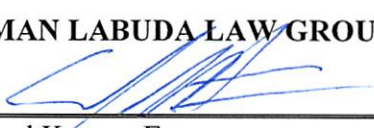
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*Attorneys for Plaintiff
Jane Doe*

Dated: New York, New York
December 8, 2023

Dated: Lake Success, New York
December 8, 2023

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Dated: Central Islip, New York
December __, 2023

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Attorneys for Defendant
David Delvecchio

SO ORDERED:

Steven L. Tiscione, U.S.M.J.